

AMENDED IN ASSEMBLY JUNE 24, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 23, 2014

AMENDED IN SENATE MARCH 26, 2014

AMENDED IN SENATE FEBRUARY 14, 2014

SENATE BILL

No. 895

Introduced by Senator Corbett

January 13, 2014

An act to amend Section 1569.33 of the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

SB 895, as amended, Corbett. Residential care facilities for the elderly: unannounced visits.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Existing law requires that every licensed residential care facility for the elderly be subject to unannounced visits by the department and requires the department to visit these facilities as often as necessary to ensure the quality of care provided, but no less often than once every 5 years. Existing law requires the department to conduct an annual unannounced visit under specified circumstances, including when a license is on probation, and to conduct annual unannounced visits to no less than 20% of the facilities not subject to an evaluation under specified circumstances. Existing law requires the department to notify the residential care facility for the elderly in writing of all deficiencies and

to set a reasonable length of time for compliance by the facility. Existing law requires inspection reports, consultation reports, lists of deficiencies, and plans of correction to be open to public inspection.

This bill would instead require the department to ensure that each facility is inspected at least once every ~~3-years~~ years, on or before July 1, ~~2016,~~ 2016; and at least once every ~~2-years~~ years, on or before July 1, ~~2017,~~ 2017; and at least once each ~~year~~ year, on or before July 1, ~~2018,~~ 2018; and each year thereafter. The bill would authorize the department to conduct additional unannounced inspections under specified circumstances. The bill would delete the provisions requiring the department to conduct annual unannounced visits to no less than 20% of the facilities and the provisions requiring an unannounced visit no less often than once every 5 years. The bill would require the department, with each inspection, to conduct an evaluation of the facility for compliance with the laws and regulations governing residential care facilities for the elderly. The bill would also require the department to verify that a facility is in compliance no later than 10 days after the notification of deficiencies in compliance and would require inspection reports, consultation reports, lists of deficiencies, and plans of correction to be open to public inspection on the department's Internet Web site and in its district offices.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1569.33 of the Health and Safety Code
- 2 is amended to read:
- 3 1569.33. (a) Every licensed residential care facility for the
- 4 elderly shall be subject to unannounced inspections by the
- 5 department. The department shall perform these unannounced
- 6 inspections according to the following schedule:
- 7 (1) On or before July 1, 2016, the department shall ensure that
- 8 each facility is inspected at least once every three years and as
- 9 often as necessary to ensure the quality of care provided.
- 10 (2) On or before July 1, 2017, the department shall ensure that
- 11 each facility is inspected at least once every two years and as often
- 12 as necessary to ensure the quality of care provided.
- 13 (3) On or before July 1, 2018, and each year thereafter, the
- 14 department shall ensure that each facility is inspected at least once

1 each year and as often as necessary to ensure the quality of care
2 provided.

3 (b) With each inspection, the department shall conduct an
4 evaluation of the facility for compliance with the laws and
5 regulations governing residential care facilities for the elderly.

6 (c) The department may conduct additional unannounced
7 inspections of a facility under any of the following circumstances:

8 (1) When a license is on probation.

9 (2) When the terms of agreement in a facility compliance plan
10 require additional inspections.

11 (3) When an accusation against a licensee is pending.

12 (4) When a facility requires additional inspections as a condition
13 of receiving federal financial participation.

14 (5) In order to verify that a person who has been ordered out of
15 the facility for the elderly by the department is no longer at the
16 facility.

17 (d) (1) The department shall notify the residential care facility
18 for the elderly in writing of all deficiencies in its compliance with
19 the provisions of this chapter and the rules and regulations adopted
20 pursuant to this chapter, and shall verify that the facility is in
21 compliance no later than 10 days after the notification. ~~The~~

22 (2) *The 10-day compliance period may be extended up to an*
23 *additional 30 days if the department determines that the delay will*
24 *not adversely impact the health, safety, and security of facility*
25 *residents.*

26 (3) *If the department determines, prior to notification, that the*
27 *deficiencies cannot be corrected within 30 days after the*
28 *notification and that the delay will not adversely impact the health,*
29 *safety, and security of facility residents, the notice shall specify*
30 *corrective actions that shall be commenced within 30 days and*
31 *the date by which the deficiencies shall be corrected.*

32 (e) Reports on the results of each inspection, evaluation, or
33 consultation shall be kept on file in the department, and all
34 inspection reports, consultation reports, lists of deficiencies, and
35 plans of correction shall be open to public inspection on the
36 department's Internet Web site and in its district ~~offices; offices~~
37 *after the department redacts all personally identifiable information*
38 *of residents.*

39 (f) As a part of the department's evaluation process, the
40 department shall review the plan of operation, training logs, and

- 1 marketing materials of any residential care facility for the elderly
- 2 that advertises or promotes special care, special programming, or
- 3 a special environment for persons with dementia to monitor
- 4 compliance with Sections 1569.626 and 1569.627.

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